

**Statement of Elizabeth A. Whitaker
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**Before the House Committee on Homeland Security
Subcommittee on Investigations
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Chairman McCaul and distinguished Committee Members: My name is Elizabeth Whitaker, and I am the Deputy Assistant Secretary of State for Mexico, Canada and Public Diplomacy in the Bureau of Western Hemisphere Affairs of the Department of State. It is a pleasure to appear before you to discuss recent incidents along our southern border, and specifically to discuss the January 23 incursion into Hudspeth County, Texas east of El Paso. I am also pleased to be here with my colleague, Chief Aguilar of the U.S. Border Patrol, the organization with the primary responsibility within the Department of Homeland Security for responding to incursions across our borders.

It is safe to say that our working relationship with our partners in Mexico is excellent, and this relationship is a critical one. This is not to say that we do not continue to have significant challenges and issues with the Mexican government related to the border we share.

In response, the Department of State has established several mechanisms through which we regularly communicate and coordinate with Mexican authorities at all governmental levels, and in this way seek to prevent future incursions. These mechanisms include:

- Border Liaison Mechanism (BLM) meetings -- These meetings are held by each of the Department of State's border posts two to four times a year. They bring together U.S. and Mexican diplomatic, law enforcement and other government personnel from all along both sides of the border to discuss issues requiring operational and policy coordination. These meetings allow our diplomats on the border, as well as U.S. law enforcement officers, to get to personally know their Mexican counterparts.
- Bi-National Commission (BNC) meetings – These annual meetings between the U.S. and Mexican governments are co-hosted by the Secretary of State and the Mexican Minister of Foreign Relations, and include Cabinet-level officials from both governments. Three working groups related to border security, migration and law enforcement meet throughout the year as part of the BNC process: The Border Security and Cooperation Group, the Migration and Consular Affairs Group, and the Law Enforcement/Counternarcotics Working Group. The BNC fosters enhanced

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government-to-government communication and liaison, and in this way helps to prevent future border incursions.

- The Senior Law Enforcement Plenary (SLEP) brings together senior law enforcement policymakers semi-annually to discuss law enforcement issues, including anti-narcotics, organized crime, and trafficking in persons. SLEP also identifies those issues that are to be raised bilaterally at the cabinet-level through the BNC. The forum allows senior federal law enforcement policymakers from both governments to get to know each other and improve working relations.
- In addition to these periodic meetings, both the Department of State and U.S. law enforcement agencies meet with our Mexican counterparts on many specific issues throughout the year.

As you are aware, the primary responsibility for security of our southern border rests with the Department of Homeland Security, but the Department of State plays an important supporting role. That is why I am pleased to appear before you with my colleague from Homeland Security, Chief Aguilar. The Department of State shares the concern of DHS with respect to border incursions, especially those involving organized criminal networks. We take each and every border incursion seriously and actively work with our

colleagues in DHS and the Government of Mexico to investigate and respond to each and every reported incident. Further, through the Security and Prosperity Partnership, the Departments of State and Homeland Security are working cooperatively to implement the mutually-beneficial agreed upon initiatives to secure the border and reduce these types of incidents from occurring in the future.

I would like to speak briefly about how the Department of State is organized to deal with border issues. The Department of State has five “posts” or diplomatic missions along the almost 2000 mile border between the U.S. and Mexico. Starting from east to west these posts are located in the Mexican border cities of: Matamoros, Nuevo Laredo, Ciudad Juarez, across the border from Texas; Nogales, across the border from Arizona; and Tijuana. These posts each have responsibility for a section of the border on the Mexican side as part of its “consular district.” Generally these posts learn of border incursions into the U.S. by Mexicans from their consular districts from U.S. law enforcement authorities that deal with or are alerted to the incursion either at the local, state or federal levels.

Depending on the nature and seriousness of the incursion into the U.S., the post contacts Mexican authorities, requesting detailed information on the incident.

These contacts may be made at the working level by law enforcement personnel assigned to the post, or at the management level by that post's Principal Officer or Consul General.

The post is responsible for reporting details of the incident to its higher headquarters -- the U.S. Embassy in Mexico City, and the Department of State in Washington, DC. Again, depending on the nature and seriousness of the incursion, the Embassy may decide to make representations to Government of Mexico authorities in Mexico City, expressing its concern over the incident and requesting a Mexican government investigation. The Department of State, through its Office of Mexican Affairs within the Bureau of Western Hemisphere Affairs, may also communicate with the Mexican Embassy in Washington, DC about an incursion incident.

In all cases, the Department of State coordinates and communicates with its counterparts at all levels within the Department of Homeland Security when these incursions occur.

Our working relationship with the Drug Enforcement Agency on border incursions is as close as it is with DHS. The DEA has an office within our

Embassy in Mexico City that coordinates its activities throughout Mexico, and maintains branch offices at most, but not all, of the Department of State's five border posts. The DEA operates in Mexico as part of the U.S. Government's Country Team, under the authority of the U.S. Ambassador, who is the President's personal representative to the Government of Mexico. The DEA offices in border posts are likewise under the authority of the Ambassador's delegate at that location, the post's Consul General or Principal Officer. In practical terms this means that information developed through DEA sources that has any potential impact on U.S. national security, such as incursions across the border, is shared quickly not only with DEA's own headquarters, but with that post's senior leadership as well. This information is then communicated up the Department of State chain. At all posts in Mexico where there is a DEA presence, there is close and productive communication and coordination with Department of State senior leadership.

The Department of State learned about the incursion incident in Hudspeth County, Texas on January 23 through federal law enforcement entities, our Consulate General in Ciudad Juarez across from El Paso, Texas, and media sources. Once enough details of the incident were compiled by the Embassy in Mexico City and in the Department's Office of Mexican Affairs in Washington, it

was quickly decided that this was a serious incursion that required investigation. To this end the Department took the unusual step of delivering identical diplomatic notes to both the Mexican Secretariat of Foreign Relations in Mexico City and to the Mexican Embassy in Washington, DC, requesting an immediate investigation into this incident. In a cover letter to the Mexican Secretary for Foreign Relations, U.S. Ambassador Garza emphasized the seriousness of this incident and our concern over the elevated level of violence all along the border. The Government of Mexico promised a full investigation into this incident, and on January 31 Mexican authorities visited the site of the January 23 incursion as part of their review of the situation. On February 3, the Mexican Army Chief and Attorney General announced at a press conference in Mexico City that the persons involved in the incursion were not members of the Mexican military but rather known members of a narco trafficking ring. The Mexican Attorney General further stated that his department would continue a criminal investigation into the incursion.

In conclusion, the Department of State works as part of the U.S. Government team with the Department of Homeland Security and DEA in strengthening the security of the United States' borders. We will also continue our active and ongoing dialogue with the Government of Mexico in securing our shared border.

Thank you for this opportunity to speak with you. I would be happy to answer any questions you might have.

